

BY: B. B. B.

S. J. R. No. 50

~~SENATE~~ A JOINT RESOLUTION

1 proposing an amendment to the Texas Constitution to delete the archaic
2 reference to the "Deaf and Dumb Asylum," to allow certain products
3 manufactured by handicapped individuals in nonprofit rehabilitation facilities
4 to be purchased by the State of Texas, and to eliminate the formality of
5 involvement in such transactions by the Governor, ^{at Senate} Secretary of State and the
6 Comptroller: ^{Public Accounts of Texas}

7 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF
8 TEXAS:

9 Section 1. That Section 21, Article XVI, Constitution of the State of
10 Texas, be ^{revised} amended to read as follows:

11 "Section 21. All stationery, printing, fuel used in the Legislature and
12 departments of the government other than the Judicial Department, printing
13 and binding of the laws, journals and department reports, and all other
14 printing and binding and the repairing and furnishing of the halls and rooms
15 used during meetings of the Legislature and in committees, except
16 proclamations and such products and services as may be done by handicapped
17 individuals employed in nonprofit rehabilitation facilities providing sheltered
18 employment to the handicapped in Texas, shall be performed under contract,
19 to be given to the lowest responsible bidder, below such maximum price, and
20 under such regulations as shall be prescribed by law. No member or officer
21 of any department of the government shall in any way have a financial interest
22 in such contracts, and all such contracts or programs involving the state use
23 of the products and services of handicapped individuals shall be subject to
24 such requirements as might be established by the Legislature."

25 Section 2. The foregoing Constitutional Amendment shall be
26 submitted to a vote of the qualified voters of this state at an election to be

S. J. R. No. 50

1 held on the first Tuesday after the first Monday in November, 1978, at
2 which election all ballots shall have printed on them the following:

3 "FOR the ~~Constitutional~~ Amendment deleting the archaic reference to
4 the 'Deaf and Dumb Asylum,' allowing certain products and services of
5 handicapped individuals to be used by agencies and departments of state
6 government, requiring the procurement of other products and services
7 required in the operation of state government to be made under bids awarded
8 to the lowest responsible bidder, making all such procurement processes
9 subject to laws enacted by the Legislature, and eliminating the requirement
10 that the Governor, ^{*of Public Accounts*} Secretary of State and Comptroller ^{*of Public Accounts*} be personally involved
11 with such transactions.

12 "AGAINST the ~~Constitutional~~ Amendment deleting the archaic
13 reference to the 'Deaf and Dumb Asylum,' allowing certain products and
14 services of handicapped individuals to be used by agencies and departments
15 of state government, requiring the procurement of other products and
16 services required in the operation of state government to be made under bids
17 awarded to the lowest responsible bidder, making all such procurement
18 processes subject to laws enacted by the Legislature, and eliminating the
19 requirement that the Governor, ^{*of Public Accounts*} Secretary of State and Comptroller ^{*of Public Accounts*} be
20 personally involved with such transactions."

1 By: Brooks

S.J.R. No. 50

2 (In the Senate - Filed March 9, 1977; March 10, 1977, read
3 first time and referred to Committee on Human Resources; April 25,
4 1977, reported favorably; April 25, 1977, sent to printer.)

5 SENATE JOINT RESOLUTION

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7 archaic reference to the "Deaf and Dumb Asylum," to allow certain
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58 Accounts of Texas be personally involved with such transactions."

* * * * *

Austin, Texas
April 25, 1977

Hon. William P. Hobby
President of the Senate

Sir:

We, your Committee on Human Resources, to which was referred S.J.R. No. 50, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

Brooks, Chairman

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 28, 1977

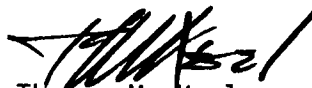
Honorable Chet Brooks, Chairman
Committee on Human Resources
Senate Chamber
Austin, Texas

In Re: Senate Joint Resolution No. 50
By: Brooks

Sir:

In response to your request pursuant to Senate Rule 94, Subsection (g), this office finds the fiscal implications of Senate Joint Resolution No. 50 (proposing an amendment to the Texas Constitution to delete the archaic reference to the "Deaf and Dumb Asylum," to allow certain products manufactured by handicapped individuals in nonprofit rehabilitation facilities to be purchased by the State of Texas, and to eliminate the formality of involvement in such transactions by the Governor, Secretary of State and Comptroller) to be as follows:

No fiscal implication or additional cost to the State attributable to the resolution, should it be enacted, is anticipated, except for the cost of publication prior to election estimated at \$57,500 in fiscal 1979.


Thomas M. Keel
Director

Source: Texas Schools for the Blind and Deaf; Board of Control; LBB Staff.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 28, 1977


Honorable Chet Brooks, Chairman
Committee on Human Resources
Senate Chamber
Austin, Texas

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Thomas M. Keel
Director

Source: Texas Schools for the Blind and Deaf; Board of Control; LBB Staff.

April 28 1977
Patsy Spaw
Engrossing Clerk

By: Brooks

S.J.R. No. 50

SENATE JOINT RESOLUTION

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BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Section 21, Article XVI, Constitution of the State of Texas, be revised to read as follows:

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1 state use of the products and services of handicapped individuals
2 shall be subject to such requirements as might be established by
3 the legislature."

4 Sec. 2. The foregoing constitutional amendment shall be
5 submitted to a vote of the qualified voters of this state at an
6 election to be held on the first Tuesday after the first Monday in
7 November, 1978, at which election all ballots shall have printed on
8 them the following:

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- 2 Accounts of Texas be personally involved with such transactions."

COMMITTEE REPORT

The Honorable Bill Clayton
Speaker of the House of Representatives

5/19/77
(date)

Sir:

We, your COMMITTEE ON CONSTITUTIONAL AMENDMENTS, to whom was referred S.J.R. 50
have had the same under consideration and beg to report back with the recommendation that it (measure)

- (☒) do pass, without amendment.
(☐) do pass, with amendment(s).
(☐) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested on 5/9/77 and is attached as part of this report.
(date)

~~Author's fiscal statement attached.~~

~~The Committee recommends that this measure be placed on the (Local / Consent) Calendar.~~

This measure (☒) proposes new law.
(☐) amends existing law.

House Sponsor of Senate Measure BARRIENTOS

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Von Dohlen	✓			
Jones				✓
Bryant	✓			
Clark, B.	✓			
Close				✓
Hendricks	✓			
Johnson				✓
Robbins	✓			
Schieffer				✓

Total: 5 aye
0 nay
0 present, not voting
4 absent

Tim Von Dohlen
CHAIRMAN
Reynolds
COMMITTEE COORDINATOR

BILL ANALYSIS

Background Information

In 1975, the 64th Legislature passed Articles 664-5 and 664-7, Vernon's Annotated Texas Statutes, which authorize a State Use law for products and services manufactured by visually handicapped persons employed in nonprofit sheltered workshops. Texas was the 38th state in the nation to enact such a law. The cited articles require that suitable products or services procured by or for state agencies be purchased from nonprofit agencies for the blind if the price is determined to be the fair market price. The purpose of the legislation was to encourage handicapped citizens to achieve independence.

Article 16, Section 21 of the Constitution requires that state contracts on specified subjects be let by competitive bid to the lowest bidder. Among those articles required to be let on competitive bid are some products made by nonprofit, sheltered workshops; including ball point pens, felt markers, and paper clips.

Purpose of the Resolution

To allow certain products manufactured by handicapped individuals in nonprofit rehabilitation facilities to be purchased by the State of Texas and to eliminate the formality of involvement in such transactions by the Governor, the Secretary of State, and the Comptroller.

Section-by-section Analysis

Section 1. Revises Article 16, Section 21 to provide the following:

- 1) Deletes the archaic reference to "Deaf and Dumb Asylum" (no longer in existence);
- 2) Excepts from the competitive bid requirement products and services made and performed by handicapped individuals employed in nonprofit rehabilitation facilities; and
- 3) Eliminates the necessity of the Governor, Secretary of State, and Comptroller to approve the contracts.

Section 2. Provides that the amendment be submitted to the voters at the general election in November, 1978.

Summary of Committee Action

Pursuant to a suspension of the rules in accordance with House Rule 21, the Committee considered S.J.R. 50 in a public hearing on May 19, 1977. After discussion of the resolution, the Committee voted to recommend it favorably to the House by a vote of five ayes and no nays.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 9, 1977


Honorable Tim Von Dohlen, Chairman
Committee on Constitutional Amendments
House of Representatives
Austin, Texas

In Re: Senate Joint Resolution No. 50,
as engrossed

Sir:

In response to your request pursuant to House Rule V, Section 28, this office finds the fiscal implications of Senate Joint Resolution No. 50, as engrossed (proposing an amendment to the Texas Constitution to delete the archaic reference to the "Deaf and Dumb Asylum," to allow certain products manufactured by handicapped individuals in nonprofit rehabilitation facilities to be purchased by the State of Texas, and to eliminate the formality of involvement in such transactions by the Governor, Secretary of State and Comptroller) to be as follows:

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Thomas M. Keel
Director

Source: Texas Schools for the Blind and Deaf; Board of Control; LBB Staff



S.J.R. No. 50

SENATE JOINT RESOLUTION

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S.J.R. No. 50

- 1 of Texas, the Secretary of State, and the Comptroller of Public
2 Accounts of Texas be personally involved with such transactions."

President of the Senate

Speaker of the House

I hereby certify that S.J.R. No. 50 passed the senate on
April 28, 1977, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.J.R. No. 50 passed the house on May
28, 1977, by the following vote: Yeas 124, Nays 1, five present
not voting.

Chief Clerk of the House

Approved:

Date

Governor

Proposing an amendment to the Texas Constitution to delete the archaic reference to the "Deaf and Dumb Asylum," to allow certain products manufactured by handicapped individuals in nonprofit rehabilitation facilities to be purchased by the State of Texas, and to eliminate the formality of involvement in such transactions by the Governor, Secretary of State and Comptroller.

Filed with the Secretary of the Senate

M.R. 10 1977

Read, referred to Committee on HUMAN RESOURCES

APR 25 1977 Reported favorably.

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed.

Senate and Constitutional Rules to permit consideration suspended by { unanimous consent.
_____ years, _____ nays.

To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ years, _____ nays.

APR 28 1977 -
APR 28 1977

Read before Senate
Read second time and { ordered engrossed.
~~passed to third reading~~

Caption ordered amended to conform to body of bill.

APR 28 1977

Senate and Constitutional 3-Day Rules suspended by vote of 31 years, 0 nays to place bill on third reading and final passage.

APR 28 1977

Read third time and passed by { ~~a viva-voce vote.~~
31 years, 0 nays.

OTHER ACTION:

Betty King
Secretary of the Senate

4-28-77
April 28, 1977 Engrossed
Sent to HOUSE

Patsy Spaw
ENGROSSING CLERK

APR 28 1977

Received from
the Senate

Betty Murray

Chief Clerk, House of Representatives

READ 1st TIME
AND REFERRED TO COMMITTEE ON
MAY 3 1977 *Constitutional Amendments*

MAY 19 1977

Favorably
Reported ~~Unfavorably~~ (As Amended), Sent to Printer 11:05 AM

MAY 20 1977

Printed And Distributed 1:14 PM

MAY 20 1977

Sent To Committee On Calendars 1:59 PM

MAY 28 1977

MOTION TO SUSPEND ALL NECESSARY RULES IN
ORDER TO TAKE UP AND CONSIDER AT THIS TIME
SCR 50 PREVAILED BY NON-RECORD VOTE.

DATE MAY 28 1977

READ AND ADOPTED *Betty Murray*
CHIEF CLERK
HOUSE OF REPRESENTATIVES

*record vote
124 yeas 1 nay 5PNV*

MAY 30 1977 RETURNED TO SENATE

MAY 30 1977 RETURNED
FROM HOUSE